



LAWYERS CLUB
of San Diego

NEWS RELEASE

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Lawyers Club of San Diego Denounces Changes to Federal Bureau of Prisons Transgender Offender Manual

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SAN DIEGO – Lawyers Club of San Diego denounces recent changes to the Federal Bureau of Prisons Transgender Offender Manual, which direct that transgender inmates be placed in facilities corresponding to their biological sex rather than their gender identity. Lawyers Club, whose mission is to advance the status of women in law and society, is deeply concerned that the change will endanger the lives of transgender inmates.

On May 11, 2018, the Federal Bureau of Prisons (BOP) issued a Change Notice to Program Statement 5200.4, Transgender Offender Manual, removing the policy of housing inmates based on gender identity, when appropriate. Under the new policy, biological sex will be used as the initial determination for facility assignment without regard to an inmate's gender identity. While the new policy allows for a case-by-case assessment, after the initial placement, it expressly states, "designation to a facility of the inmate's identified gender would be appropriate only in rare cases..."¹

The revised BOP policy conflicts with the Prison Rape Elimination Act of 2003 (PREA) which is intended to deter sexual assault against inmates and acknowledges transgender inmates are at a higher risk for being sexually victimized. PREA Standard 115.42(e) states, "A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration."

Statistics also confirm that transgender inmates are sexually victimized at higher rates, making them especially vulnerable during incarceration. According to the Federal Bureau of Justice Statistics, 39.9 percent of transgender inmates in prison reported sexual assault or abuse during

¹ U.S. Department of Justice, Federal Bureau of Prisons, May 11, 2018 Change Notice to Program Statement 5200.04, Transgender Offender Manual. Available at <https://www.documentcloud.org/documents/4459297-BOP-Change-Order-Transgender-Offender-Manual-5.html>.

2011-2012 compared to 4 percent of the general inmate population. In California, transgender women who are housed with men are 13 times more likely to be sexually assaulted compared to male inmates in the same facility.

Lawyers Club condemns the revised BOP policy on the ground that it endangers the lives of transgender inmates and that it discriminates against transgender inmates in deciding facility assignments by treating transgender people differently because their gender identity does not conform with gender stereotypes.

About Lawyers Club of San Diego

Lawyers Club, founded in 1972 with the mission “to advance the status of women in the law and society,” has more than 1,300 members comprised of female and male attorneys, law students, and others in the San Diego community who share Lawyers Club’s interests and goals. For more information about Lawyers Club, visit www.lawyersclubsandiego.com.

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